

PRESS RELEASE

In response to several inquiries regarding the employment of Joe Miller as a part-time Magistrate Judge in Alaska, the following press release is issued.

Mr. Miller served as the Court's part-time Magistrate Judge in Fairbanks, Alaska, from June 13, 2002, through June 1, 2004. Mrs. Miller was employed by Magistrate Judge Miller to provide clerical and secretarial assistance in 2002.

United States Magistrate Judges and part-time United States Magistrate Judges are employed to serve in the District Courts of the United States to perform services authorized by 28 U.S.C. § 636. The process for selecting Magistrate Judges is governed by statute, 28 U.S.C. § 631, and regulations adopted by the Judicial Conference of the United States. Sections 420.1 thru 420.50 of the Guide to Judiciary Policy govern the selection of part-time Magistrate Judges. Mr. Miller was selected pursuant to this process. The position in Fairbanks is a level IV position and is paid by the Administrative Office of the United States Courts, not by the District Court.

It is the practice of part-time Magistrate Judges to engage an assistant to perform necessary secretarial and clerical tasks. Frequently this is a person that works for the Magistrate Judge in the Judge's private law office. Upon inquiry by Mr. Miller, he was advised that he could employ his wife in this capacity.

Mr. Miller's wife was employed by Mr. Miller beginning June 21, 2002, and was paid at a pay rate equivalent to a federal employee at JSP level 10, step 1, plus Alaska COLA. She was an employee of Mr. Miller and not of the District Court. Mr. Miller was subsequently advised by the Chief Judge of this District that 5 U.S.C. § 3110 might prohibit a part-time Magistrate Judge from hiring his wife as an assistant. As a result, Mr. Miller terminated his wife's employment and an unrelated person was hired to provide him secretarial and clerical assistance. Mrs. Miller last worked for Mr. Miller in this capacity in December of 2002.

October 8, 2010

Marvel Hansbraugh
Clerk of Court